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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/063,993

06/02/2002

Terry S. Callaghan

TSC01 P300A

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12/29/2003

PRICE HENEVELD COOPER DEWITT & LITTON
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

TSAL CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action**Application No.**

10/063,993

Applicant(s)

CALLAGHAN, TERRY S.

Examiner

Carol S Tsai

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: 4, 5, 14, 15, 23, 24, and 26.

Claim(s) rejected: 1-3, 6, 7, 9-11, 13, 16-22, and 25.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments filed 12/08/2003 have been fully considered but they are not persuasive.

Applicant argues that with Westerlage et al. neither discloses nor suggests a transceiver that transmits in response to an interrogation signal, that The transceiver in Westerlage et al. transmits "based on some configurable condition, such as a predetermined reporting interval, a full memory buffer, a store and forward routine, or a minimum signal strength received from communications link 40.

Transceiver type identification systems are well known, and generally are capable of receiving an incoming interrogation signal and responding thereto by generating and transmitting an outgoing responsive signal. "In another embodiment of the invention, dispatch 30 or host 35 performs the determination of distance traveled and tax after mobile unit 22 has transmitted vehicle information, including the position fixes and/or the distance measured by odometer 109, to the remote location. Mobile unit 22 thus includes a transceiver 94 (FIG. 9) through which mobile unit 22 transmits vehicle information to a remote location. In general, mobile unit 22 initiates transmission of information to dispatch 30 or host 35 based on some configurable condition, such as a predetermined reporting interval; a full memory buffer, a store and forward routine, or a minimum signal strength received from communications link 40" described at col. 4, lines 53-64 of Westerlage et al. reference clearly indicates that mobile unit including a transceiver through which mobile unit transmits vehicle information, such as the position fixes and/or the distance measured by odometer, to a remote location. Therefore, as set forth in the Final Rejection mailed 10/07/2003, Westerlage et al. do disclose a transceiver that transmits in response to an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see Figs. 1 and 9 and col. 4, line 57 to col. 5, line 14).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, As set forth in the Final Rejection mailed 10/07/2003, Turnbull et al. disclose a mileage display system for a vehicle comprising: a receiver (receiver 136 shown on Fig. 6) for receiving a signal from a remote transmitter (transmitter 134 shown on Fig. 6) (see col. 9, lines 46-50); a mileage accumulator (odometer 154 shown on Fig. 7) coupled to the receiver for accumulating vehicle mileage received from a mileage sensor as the vehicle travels (see Figs. 6 and 7 and col. 26, lines 11-43); and a display (display 45 shown on Fig. 6 and other displays 166 shown on Fig. 7) for displaying the vehicle mileage accumulated by the mileage accumulator (see col. 8, lines 40-63). Turnbull et al. do not disclose the signal received by the receiver from the remote transmitter. Suman et al.'547 teach a control module being coupled to the vehicle's electrical system for providing predetermined control functions, which can be varied according to the positions selected by the switches and the driver as determined by switch or the received code from transmitter, a remote keyless entry which includes three push-button switches with a first switch being employed for unlocking the door, a second switch for locking the doors, and a third switch for actuating the trunk release (see col. 3, line 66 to col. 4, 29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turnbull et al.'s system to include the signal received by the receiver from the remote transmitter, as taught by Suman et al.'547, in order that travel distance can be accumulated during vehicle travel in response to a signal received by the receiver from the remote transmitter. "In addition, many RKE key fob transmitters include three manual switches with one for unlocking the doors, another for locking the doors, and a third for other functions such as unlocking the trunk, panic alarm activation, or unlocking only a specific door. Thus, to implement the preferred embodiments of the present invention, one would only need to reprogram the existing microcontroller(s) to respond to an activation of the third key fob button by unlocking the vehicle's doors and, at the same time, enabling accumulation of either business or personal mileage" described at page 6, lines 3-9 of Applicant's Specification also clearly indicates that a common used RKE key can be implemented to generate a signal received by a receiver in order to accumulate either business or personal mileage. Therefore, the combination of Turnbull et al. and Suman et al.'547 clearly teach the claimed invention.

The rest of arguments that Examiner has already responded on the Final Rejection mailed 10/07/2003